

AN ORDINANCE OF LEWIS COUNTY, WASHINGTON)
ADOPTING A MORATORIUM UPON ESTABLISHMENTS) ORDINANCE NO. 1249
INVOLVED IN THE SALE, MANUFACTURING, DISTRIBUTION)
OR USE OF MARIJUANA RELATED PRODUCTS AND)
DIRECTING THE SETTING OF A PUBLIC HEARING)

WHEREAS, moratoria adopted pursuant to the authority of RCW 36.70.795 are methods by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development; and

WHEREAS, the County will need at least a six-month period to conduct an appropriate analysis and to develop appropriate recommendations for the Lewis County Planning Commission to consider regarding the issues noted above; and

WHEREAS, the County is informed and concerned that marijuana-associated land uses have a higher than average susceptibility to burglary and other crimes, that such land uses will require more attention and resources from the Lewis County Sheriff's Office and that such concerns need to be evaluated in greater detail before determining appropriate land use controls; and

WHEREAS, potential impacts from marijuana-associated uses include but are not limited to:

- Conversion of residential uses into marijuana cultivation and processing facilities, removing valuable housing stock in a community;
- Degrading neighborhood and commercial district aesthetics due to offensive odors;
- Increased night-time traffic; parking issues; loitering from potential purchasers; environmental damages from chemicals being discharged into surrounding and off-site soil and storm and sanitary sewer systems;
- Serious risk of fire hazard due to overloaded service connections use to operate grow lights and fans;
- Improper ventilation leading to high levels of moisture and mold;
- Illegal structure modifications;
- Criminal issues such as home invasions, burglaries of marijuana-associated facilities, theft and property damage;
- Unintended and uncontrolled dispersion of marijuana in agricultural areas.

WHEREAS, this Ordinance does not shield any individual or entity, including users, manufacturers, and deliverers of marijuana, from local, state, or federal penalties and liability; and

WHEREAS, this moratorium is authorized by RCW 36.70.795 and Article 1, Section 2, and Article 11, Section 11 of the Washington State Constitution.

NOW THEREFORE BE IT ORDAINED by the Lewis County Board of County Commissioners that Lewis County Board of County Commissioners hereby declares the following:

Section 1. Moratorium. The Lewis County Board of County Commissioners hereby declares a moratorium upon:

1. The submission, acceptance, processing or approval of any permit applications or licenses by or for any establishment involved in the sale, use, growing, manufacture or processing of marijuana, including but not limited to performance spaces, private clubs, open-to-the public night blubs/cabarets/ taverns or similar establishments.

2. The creation by an owner or operator of any land or building of any new use of such land or buildings for the sale/use/growing, distribution, manufacturing, or processing of marijuana and related products.

Section 2. Duration of Moratorium. The moratorium adopted by this Ordinance is effective immediately upon adoption and shall remain in effect for six (6) months, unless subsequently extended by the Board pursuant to state law.

Section 3. Public Hearing. Pursuant to RCW 36.70.795, a public hearing will be held December 9, 2013.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 7. Findings. The Lewis County Board of Commissioners hereby adopts the above recitals as findings of fact in support of this Ordinance.

PASSED IN REGULAR SESSION THIS 9th day of December 2013, after a public hearing was held December 9, 2013 pursuant to Notice published in the *East County Journal* on November 20, 2013 and the Chronicle on November 21, 2013.

APPROVED AS TO FORM:

Jonathan Meyer, Prosecuting Atty.

BOARD OF COUNTY COMMISSIONERS

LEWIS COUNTY, WASHINGTON

By: Glenn Carter
Deputy Prosecuting Attorney

P.W. Schulte, Chairman

Edna J. Fund, Member

ATTEST:

F. Lee Grose, Member

Karri Muir, Clerk of the Board